

### **REMARKS/ARGUMENTS**

The non-final Office Action mailed May 18, 2007 has been carefully reviewed and this paper is responsive thereto. Claims 1-22 are pending. Claims 23-30 are cancelled without prejudice or disclaimer as they are directed to a non-elected invention. Applicants respectfully traverse the rejection in view of the following remarks.

#### **Amended Claims**

Claims 18 and 19 have been amended to clarify the intended scope. No new matter was added and claims 18 and 19 are believed to be in condition for allowance.

#### **Rejection under 35 U.S.C. § 112**

Claims 18-22 were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. While not agreeing with the suggestion made in the Office Action, to advance prosecution claim 18 has been amended and the phrase “such that” has been revised. Accordingly, this ground of rejection is respectfully traversed.

#### **Provisional Non-statutory Double Patenting Rejection**

As this rejection is provisional, and it may well be that this rejection becomes moot during the course of prosecution, Applicants will address this provisional rejection once notification is received that a claim in one of co-pending application is allowable.

#### **Rejection under 35 U.S.C. § 102 and 103**

Claims 1-4 and 11-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,942,761 to Tuli *et al.* (“Tuli”). Claims 5-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tuli in view of U.S. Patent No. 6,178,255 to Scott *et al.* (“Scott”). Thus all pending claims stand rejected in view of Tuli, alone or in combination with Scott.

Tuli discloses a fingerprint reading modular device. Tuli, Abstract. Figure 1 of Tuli is representative and is provided below:

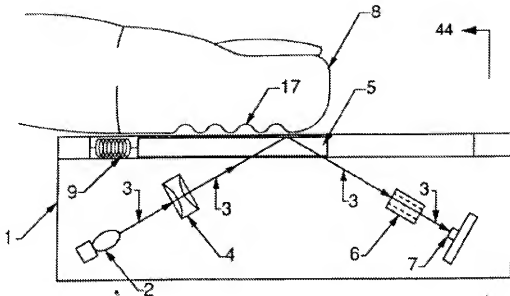


Fig. 1

As can be appreciated, a finger may be placed on the platen 5 and slid so that a ray of light 3 is directed onto a point and depending on boundary conditions on the platen 5, light is reflected to the sensor array 7. Notably, there is no disclosure that the illumination source 2 or the sensor array 7 is moveably mounted. Instead, Tuli explains that as the platen slides, the solid state elements read multiple lines of the finger. Tuli, Col. 5, ln. 40-50. In particular, Tuli states that:

circuit board 11. The Selfoc array 6 and circuit board 11 are both affixed to the housing 1, such that the glass or transparent platen 5 and finger 8 move together without changing

Tuli, Col 6, ln. 33-34. Thus, rather than support the suggestion that Tuli discloses a scan head that is movably mounted to the housing, Tuli discloses the opposite. In other words, there is no support for the suggestion that Tuli discloses a scan head movably mounted to the housing.

Claim 1 recites the feature of “a scan head movably mounted to the housing.” Tuli fails to disclose such a scan head, as noted above, thus Tuli does not disclose all the features of claim 1. As Tuli fails to disclose all the features of claim 1, Tuli cannot be said to anticipate claim 1. Therefore, claim 1 is patentable in view of Tuli.

Claims 2-10 depend from claim 1 and therefore necessarily include at least one feature that is not disclosed by Tuli. Scott was not suggested to disclose a feature that would correct the deficiency of Tuli, nor does it appear that such a suggestion would be supportable. Accordingly,

claims 2-10 are patentable for at least the reasons that claim 1 is patentable and for the additional features recited therein.

Claim 11 recites the feature of "a scan head moveably mounted to the angled way" and as noted above, Tuli fails to disclose a scan head movably mounted. Therefore, Tuli fails to disclose all the feature of claim 11 and cannot be said to anticipate claim 11. Thus, claim 11 is patentable over Tuli.

Claims 12-17 depend from claim 11 and are patentable for at least the reasons that claim 11 is patentable and for the additional feature recited therein.

Claim 18 recite the feature of "a scan head moveably mounted to the housing" and as noted above, Tuli fails to disclose this feature. Therefore, Tuli fails to disclose all the feature of claim 18 and cannot be said to anticipate claim 18. Thus, claim 18 is patentable over Tuli.

Claims 19-22 depend from claim 18 and are patentable for at least the reasons that claim 18 is patentable and for the additional feature recited therein.

Accordingly, withdrawal of these grounds of rejection is respectfully requested.

### **CONCLUSION**

As all rejections have been addressed, Applicants respectfully request reconsideration of the application and allowance of all pending claims. If any matter may be resolved via telephone discussion, the Examiner is invited to contact the undersigned at the number provided below.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

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By: /Stephen L. Sheldon/  
Stephen L. Sheldon  
Registration No. 58,732

Banner & Witcoff, LTD.  
Ten South Wacker Drive  
Chicago, Illinois 60606  
Tel: (312) 463-5000  
Fax: (312) 463-5001